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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,642

11/18/2003

Masayuki Takenaka

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06/26/2008

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EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,642	Applicant(s) TAKENAKA ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,11-13,16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,11-13,16 and 19-20 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's reply filed 6/4/08 is acknowledged. Claims 1-5, 8, 11-13, 16, 19 and 20 remain pending. Claims 6-7, 9-10, 14-15, 17-18 were canceled. Claims 21-26 were withdrawn.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/04/08 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1-5, 8, 11-13, 16, 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically,

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independent claim 1 introduces a words such as 'rigidly mounted to the drive unit" and "flexibly supported on the drive unit" (claim 1, lines 5-6) but there is no support in the specification as original filed for employment of such words as introduced in the claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 8, 11-13, 16, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because It is not clear what constitutes "rigidly mounted" and "flexibly supported" nor how these structures define the invention, especially since there is no detailed basis in the specification to determine to what extent the power unit being regarded as rigidly mounted to the drive unit and the control unit being regarded as flexibly supported on the drive unit.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 8, 11-13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 6,166,498 to Yamaguchi et al. in view of US patent No. 5,460,234 to Matsuura et al.

As to claim 1, Yamaguchi et al. discloses a drive unit for hybrid vehicles comprising: a control unit section (46, 49, 51) (Fig. 1) of a drive unit (10) provided with an electric motor (16) being mounted on the drive unit (10) to be united therewith, the control unit section, comprising: a power unit (50, 54, 53); and a control unit (46, 49, 51), the power unit being mounted to the drive unit (10), and the control unit being supported on the drive unit (10). The control unit comprises a control board (57a, 57b (col. 5, line 8) mounted to a base (no numeral, fig 3) to control the drive unit.

The Yamaguchi device differs from claim 1 of the present invention in that it is not provided the base, which is supported through vibration proof mechanism on the drive unit.

Matsuura et al teaches the concept of such (through dampers 24, 28, 38, 40, 67 and 76 together) for providing better vibration or shock isolation to the control unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the base, which is supported through vibration proof mechanism on the drive unit on the Yamaguchi et al base as taught by Matsuura et al in order to provide better vibration performance or better isolation to the control unit section which is exposed to vibrations during running vehicle. As to claim 2, wherein the power unit comprises an inverter unit (50, 53, 54), the inverter unit is connected to the electric motor (16) (Fig. 1) of the drive unit (10) through a connection member (LGu, LGv, LGw) and the connection member is immovably mounted to the drive unit and the power unit.

As to claims 3 and 11, wherein the power unit comprises an inverter unit, the control unit section is provided with a casing (46), which receives therein at least the inverter unit, and the power unit is held on the casing.

As to claims 4 and 12, wherein the casing (46) is mounted to the drive unit (10) to thereby make the power unit immovable relative to the drive unit.

As to claims 5 and 8, Yamaguchi et al as modified also teaches the control unit is supported through the vibration proof mechanism on the power unit and supported through the power unit on the drive unit.

As to claims 13 and 16, wherein the power unit comprises an inverter unit, the control unit section is provided with a casing, which receives therein at least the inverter unit, and the power unit is held on the casing.

As to claim 19, Yamaguchi in view of Matsuura et al. differs from claim 19 of the present invention in whether the flexible grounding member to ground the

control unit to the drive unit. However, flexible grounding connector is well known in the art to allow relative movement between connections at both ends without resistance therefore it would have been an obvious matter of design choice to include a flexible grounding member to ground the control unit to the drive unit for the desirable purpose of simply reducing resistance.

Allowable Subject Matter

Claim 20 is rejected but would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments filed 6/04/08 have been fully considered but they are not persuasive.

Applicant argues that claim 1 calls for power unit being rigidly mounted to a drive unit and a control unit being flexibly supported on the drive unit using a vibration proof mechanism. Yamaguchi fails to disclose or suggest all of the features recited in claim 1 because both of Yamaguchi's power unit and control unit are rigidly mounted to the drive unit. In particular, Yamaguchi fails to suggest any structure that is flexibly supported to the drive unit or a control unit that is flexibly supported on the drive unit as called for by claim 1. The examiner is not persuaded by this argument.

First, "Flexibility" and "rigidity" are *relative terms*, particularly since virtually anything will flex if enough pressure is applied to it. Fredman V. Harris-Hub Co., Inc. (DC NIII)163 USPQ 397. In other words, Both Yamagauchi's and Matsuura's device can be flex if enough pressure applied to it. Second, the two components that "rigidly mounted" do not really suggest that those components cannot be separate from a stationary component when a strong force is applied. In this regard, the components that the claim describes as "rigidly mounted" or "flexibly mounted" have failed to describe as how these two components are connected to each other in such a way that one considers as being rigidly mounted or flexibly mounted. The examiner finds no standard or guidelines in Applicant's specification to determine to what extent a connection or joint between the two components or configuration that is being regarded as "rigidly mounted" or flexibly mounted". Thus the language has been failed to particular point out and distinctly claim the invention. The examiner can only be reasonably assumed that the power unit is being rigidbly mounted to or flexibly supported on the drive unit by way of their common connections or mounts by such means as fastening which can be separated and removed. Furthermore since there is no where in the Yamaguchi's specification shown that the drive unit cannot be removed or separate from the power unit or the drive unit cannot be removed or separate from the control unit, and based on the teaching of vibration mechanism of Matsuura, one skilled in the art would have been expected to draw therefrom and motivated this teaching by providing the vibration mechanism on the drive unit of Yamaguchi to support the performance of the control unit as well as to provide better shock vibration

isolation to the control unit. Therefore, it would have been no more than an obvious matter to combine the teaching of Yamaguchi and Matsuura to the invention, which render the subject matter obvious within the meaning of 35 U.S.C 103.

Conclusion

THIS ACTION IS MADE NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/

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6/23/08

/Tan Le/
Examiner, Art Unit 3632